

**STATE OF RHODE ISLAND  
DEPARTMENT OF CHILDREN, YOUTH AND FAMILIES**

**PUBLIC NOTICE OF PROPOSED RULE-MAKING**

In accordance with Rhode Island General Law (RIGL) 42-35 and 42-72-5, notice is hereby given that the Department of Children, Youth and Families proposes to repeal the following DCYF rule:

**Admission to the Family AIDS Center for Treatment and Support (FACTS) Nursery**

This rule is repealed because it is obsolete and relevant portions are addressed in other rules. In the repeal of this rule, consideration was given to the following: (1) alternative approaches and (2) overlap or duplication with other statutory and regulatory provisions. No alternative approach or duplication or overlap was identified based upon available information.

This repealed rule is accessible on the DCYF website (<http://www.dcyf.ri.gov>) or the R.I. Secretary of State's website (<http://www.sec.state.ri.us/ProposedRules/>). Interested persons should submit data, views or written comments by October 1, 2011, to Susan Bowler, Department of Children, Youth and Families, 101 Friendship Street, Providence, RI 02903 ([Susan.Bowler@dcyf.ri.gov](mailto:Susan.Bowler@dcyf.ri.gov)).

In accordance with RIGL 42-35-3, an oral hearing will be granted if requested by twenty-five (25) persons, by an agency or by an association having at least twenty-five (25) members. A request for an oral hearing must be made within thirty (30) days of this notice.

# **Admission to the Family AIDS Center for Treatment and Support (FACTS) Nursery Policy**

**Rhode Island Department of Children, Youth and Families**

**Policy: 1000.0055**

**Effective Date: December 24, 1990**

**Version: 1**

The Family AIDS Center for Treatment and Support (FACTS) is a unique twenty-four (24) hour residential program for the care of pediatric HIV/AIDS and "at risk" patients and their families. An integral component of this program is the FACTS Nursery. The FACTS Nursery offers comprehensive child care for five (5) infant/toddlers whose ages range from newborn to two years and eleven months. The program combines a nurturing home concept with restorative/reunification management as well as a foster parent support system. Admission into the nursery is limited to those infants/toddlers who require intensive twenty-four (24) hour monitoring, with immediate access to specialized medical care. The following priorities will be considered for admission:

- HIV symptomatic
- HIV asymptomatic
- High Risk for AIDS virus (undetermined)
- High Risk (drug addicted/exposed)

Additional priorities will be considered when other medical conditions are present and/or serious risk behaviors are evident. By policy, only children who are unable to be placed in families are admitted in the FACTS Program. Specific medical factors, however, may warrant placement in the FACTS Nursery. Children considered for inclusion must be in need of placement and approved by the legal care giver. Children who do not require hospital level care, but are too "sick" to be appropriately and safely managed in a foster home or those who could manage in a foster home but for whom there is no immediate foster care giver, may also be considered appropriate for placement. Admission into the FACTS Nursery can only be authorized by the Placement Unit after consultation with the Licensing Administrator and the Department's HIV medical consultant, and all efforts to place in foster care, where appropriate, have been exhausted.

The expected duration of placement is thirty (30) to ninety (90) days. If at the end of this period it has been determined by the Placement Unit, Licensing Administrator, and the Department's HIV medical consultant, that the child continues to require those services provided only by the FACTS Nursery, an extension may be granted. Children who are asymptomatic may only be placed for a short term transitional period pending the identification and training of an appropriate care giver. Children who are symptomatic will also be moved into a family setting as soon as medical conditions warrant and a trained care giver is available. FACTS will arrange and participate in care giver training whenever possible. The FACTS Nursery may also be utilized as short term respite care for those foster parent(s) and other care givers who care for children infected with the AIDS virus. The rate for reimbursement in all instances will follow the current negotiated contract between the Department and FACTS.

## **Related Procedures**

**FACTS Referral Requests**

**FACTS Placement**

**FACTS Respite Care**

## **Related Policies**

**Early and Periodic Screening, Diagnostic, and Treatment Program Policy**

**Acquired Immune Deficiency Syndrome Policy**

## **FACTS Referral Requests**

### **Procedure from Policy 1000.0055: Admission to the FACTS Nursery**

- ~~A. All children in the care/custody of the Department who require placement, and who have tested positive for HIV or are considered high risk for having the AIDS virus, will be placed in accordance with the Acquired Immune Deficiency Syndrome, and Referral for Placement policies.~~
- ~~B. Placement into the FACTS Program can only be authorized by the Placement Unit in consultation with the Licensing Administrator and the Department's HIV medical consultant:
  - ~~1. The Placement Unit staff must have attempted to place the child with available foster care providers prior to a referral to FACTS, unless medical factors mandate otherwise.~~
  - ~~2. The child must be between the ages of newborn to two (2) years and eleven months and require intensive medical treatment that cannot be provided in a foster home or other placement setting.~~
  - ~~3. The child must have tested positive for HIV and be symptomatic, or require such services as determined by the Placement Unit and Licensing Administrator in consultation with the HIV medical consultant.~~~~
- ~~C. Upon approval by the Placement Unit and HIV medical consultant, the Licensing Administrator of Community Resources will make the final determination whether or not to proceed with the referral to FACTS.~~
- ~~D. When it has been determined that the referral request is appropriate, the Licensing Administrator will contact FACTS to determine space availability and to initiate the admission referral.~~

## **FACTS Placement**

### **Procedure from Policy 1000.0055: Admission to the FACTS Nursery**

- A. ~~Each admission request will be presented to the nursery panel which is composed of several board and staff members of FACTS. The admission decision by FACTS will be rendered within forty-eight (48) hours after the referral.~~
- B. ~~Admission to the FACTS Nursery is based on a priority basis. The panel will consider the following priorities in order:
  - 1. ~~HIV symptomatic~~
  - 2. ~~HIV asymptomatic~~
  - 3. ~~High Risk for AIDS virus (undetermined)~~
  - 4. ~~High Risk (drug addicted/exposed)~~
  - 5. ~~Additional priorities will be considered when other medical conditions are present and/or serious risk behaviors are evident.~~~~
- C. ~~The expected duration of placement is thirty (30) to ninety (90) days. Extended periods may be approved jointly by the Placement Unit, HIV medical consultant, Licensing Administrator, and the Director of FACTS:
  - 1. ~~Children who are asymptomatic may only be placed for a short transitional phase pending the identification and/or training of an appropriate care giver.~~
  - 2. ~~Children who are symptomatic will be placed in a family setting as soon as medical conditions permit and a trained care giver is available.~~~~
- D. ~~Upon panel acceptance into the FACTS Nursery, the Licensing Administrator will forward a DCYF #005 to the Department's Business Office in accordance with Support Services. If the placement exceeds ninety (90) days, a new DCYF #005 must be submitted.~~
- E. ~~Visitation by Departmental staff and/or family members should occur prior to 6:00 p.m. unless otherwise arranged with the FACTS personnel.~~
- F. ~~FACTS and the Department's HIV medical consultant will maintain the child's medical records and will provide the Department with medical status reports upon request.~~
- G. ~~FACTS will arrange and participate in care giver training whenever possible.~~

## **FACTS Respite Care**

### **Procedure from Policy 1000.0055: Admission to the FACTS Nursery**

- A. ~~The FACTS Nursery may also be used for short term (seventy-two (72) hour) respite care for those foster parent(s) and other care givers who care for children infected with the AIDS virus.~~
- B. ~~Any foster parent or other care provider requesting respite services must contact the Placement Unit at least 14 days prior to the requested respite day(s).~~
- C. ~~The Placement Unit will contact FACTS for availability of space. If there is available respite space, the HIV medical consultant will be contacted for approval.~~
- D. ~~The Licensing Administrator will make the final decision on the respite request.~~
- E. ~~If the request is approved, the Licensing Administrator will submit a DCYF #005 to the Department's Business Office.~~